REMARKS

Please note the fact that July 29, 2007, fell on a Sunday ensures that this paper is timely filed as of today, Monday, July 30, 2007 (the next succeeding business day).

In the Office Action dated January 29, 2007, pending Claims 1-18 were rejected and the rejection made final. Claims 1 and 18 are independent claims; the other claims are dependent claims. Independent Claim 1 has been amended and dependent Claims 3 and 14-17 have also been amended to account for the amendment made to Claim 1. Claims 19-21 are newly presented. Thus, Claims 1-21 are currently pending.

Applicants are not conceding in this application the claims amended herein are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,918,014 to Robinson in view of U.S. Patent No. 6,567,786 to Bibelnieks. Claims 1-18 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,031,932 to Lipsky. Reconsideration and withdrawal of the rejections is respectfully requested.

All of the pending claims as amended herein now incorporate the subject of Claims 1 and 18 to require "(b) **randomly choosing visitors to the website** to participate in the experiments according to the configuration data; (c) **running the experiments** according to the configuration data **on the randomly chosen visitors**; (d) **dynamically determining an optimal promotion** using real-time analysis of the data from the experiments, wherein the optimal promotion optimizes at least one economic variable selected from a group of economic variables; and (e) displaying the optimal promotion to the Internet merchant." Claim 1 additionally requires "(a) receiving configuration data from the Internet merchant, **wherein such configuration data comprises an indication of the number of visitors to the Internet website who are to participate in** experiments and time-related information concerning the experiments". These claimed features (when combined with the remaining claim elements) are not taught or suggested by either Robinson, Bibelnieks, nor Lipsky.

The previous comments on these applied art are equally appropriate here and are incorporated by reference.

As previously explained, Robinson appears to be directed to displaying advertising to users of the World Wide Web based upon what "community" they are in. See Col. 2, lines 23-26 ("If the members of a particular consumer's community tend to click on a particular Web ad, then there is a certain likelihood that the subject consumer will also tend to click on that ad.") As such, the concept underlying Robinson appears to be to select an advertisement for display based solely upon the likelihood the advertisement will have the maximum possible click through rate. Thus, although

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Robinson randomly displays advertisements to certain groups of visitors, there is no mention or suggestion of running experiments on randomly chosen visitors to the website and then utilizing the data from those experiments in real-time analyses to determine an optional promotion. It is respectfully submitted that there is a stark distinction between random sampling based upon user profiles and running experiments on randomly chosen visitors for which profiling is not a necessary step. Additionally, contrary to what is asserted in the Office Action, Robinson does not teach or suggest determining an optimal promotion that optimizes at least one economic variable or value.

Bibelnieks does not overcome the deficiencies of Robinson set forth above. As best understood, Bibelnieks optimizes marketing plans to customers over an extended period of time. Instead of "focusing on an individual promotion event and determining which customers, based on historical data, meet a certain ROD criteria..., the present invention focuses on a particular customer or customer group (called a class), and their ROI value with respect to an entire set of promotion events proposed to be implemented over a period of time." (Column 2, lines 60-68) There is no mention in Bibelnieks of running experiments on randomly chosen visitors to the website and then utilizing the data from those experiments in real-time analyses to determine an optional promotion. Further, there is no mention or teaching of optimizing promotions for a website. Rather, the promotional plans produced by Bibelnieks includes all types of advertising, including online advertising, direct marketing, telephone marketing, and so on.

Furthermore, neither Robinson, Bibelnieks nor Lipsky teach the dynamic determination of an optimal advertisement wherein the determination of the optimal

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advertisement involves real time learning from the analyses of an experiment. There is no real-time learning in Robinson, Bibelnieks, nor Lipsky. In fact, the teachings of Robinson specifically teach away from a real-time method, because historical data based on member profiles is utilized to determine advertisements. Similarly, the teachings of Bibelnieks specifically teach away from a real-time method, because of Bibelnieks's emphasis on historical data. Furthermore, the teachings of Lipsky specifically teach away from a real-time method, because the advertising is presented across multiple publishers and the need to renegotiate with each publisher for changes in the advertising.

While the above discussion as been directed to the independent claim, Applicants would like to now discuss specific dependent claims. These dependent claims are patentable for reasons in addition to those set out above with respect to the independent claims.

Newly presented dependent Claim 19 additionally requires "wherein in step (d) the optimized economic variable is market share". Newly presented dependent Claim 20 additionally requires "wherein in step (d) the optimized economic variable is customer satisfaction". Newly presented dependent Claim 21 additionally requires "wherein in step (d) the optimized economic variable is a resource selected from the group consisting essential of shipping resources and manufacturing resources". These claimed features (when combined with the remaining claim elements) are also not taught or suggested by Robinson, Bibelnieks, nor Lipsky.

As can be seen by the argument shown above, there a numerous distinctions between the claimed invention and the teaching of Robinson, Bibelnieks, nor Lipsky.
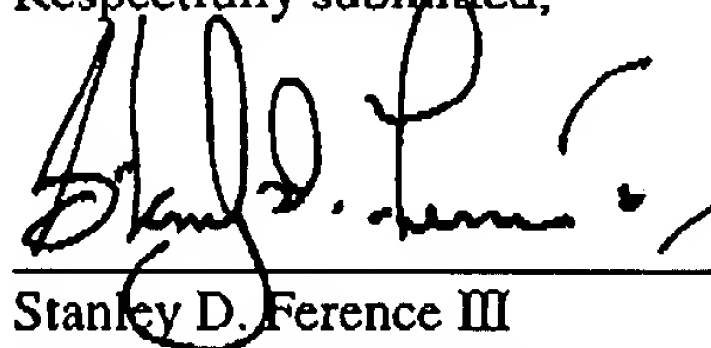
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(Not all of the distinctions, however, were discussed above.) Accordingly, Applicants respectfully submit that Claims 1-21 are not obvious over the combination of Robinson in view of Bibelnieks, nor are Claims 1-21 anticipated by Lipsky.

In view of the foregoing, it is respectfully submitted that independent Claims 1 and 18 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claim 1, it is thus also submitted that Claims 2-17 and 19-21 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 1-21, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Should the claims not be in condition for immediate allowance, the courtesy of a telephone interview is requested prior to the issuance of a further Office Action.

Respectfully submitted,

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